REMARKS

This paper is responsive to the Office Action dated August 23, 2007. Before this amendment, claims 1-35 were pending. Applicants have amended claims 1, 3, 16, 18, 29, and 30. Claims 4 and 17 have been cancelled, and new claims 36-40 are added. Accordingly, claims 1-3, 5-16, and 18-40 are still pending in the present application. Applicants respectfully submit that claims 1-3, 5-16, and 18-40 are allowable in light of the amendments and remarks set forth below.

ASANUMA DOES NOT DISCLOSE ALL THE LIMITATIONS OF ANY ONE OF CLAIMS 1-3, 5-16, AND 18-40

The Examiner rejected claims 1, 3, 5, 16, 29, 30 and 34 under 35 U.S.C. §102(b) as being anticipated by Asanuma (U.S. Patent No. 5,983,113). Applicants respectfully submit that Asanuma does not disclose all of the features of any one of the claims 1, 3, 5, 16, 29, and 30 as amended.

Referring to claim 1 as a representative claim of independent claims 1, 3, 5, 16, 29, and 30, claim 1 provides a method of providing orthogonal CDMA communication in a return link including a satellite**.** For example, claim 1 as amended recites receiving at a plurality of terminals "from the satellite, a first pilot signal generated at a ground station". Applicants respectfully submit that Asanuma does not show or discuss this feature. Asanuma shows a land-based system and does not disclose transmission through a satellite. Therefore, Applicants respectfully submit that independent claims 1, 3, 5, 16, 29, 30 and 36 are allowable.

ASANUMA AND GERAKOULIS DO NOT TEACH OR SUGGEST ALL OF THE LIMITATIONS OF ANY ONE OF CLAIMS 1-3, 5-16, AND 18-40

Claims 4 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Asanuma in view of Gerakoulis (U.S. Pat. No. 5,838,669). Applicants respectfully submit that neither Asanuma, nor Gerakoulis, nor a combination of the two, teaches or suggests all of the limitations of any one of the amended claims 1, 3, 16, 29, 30 and 36.

Referring to claim 1 as a representative claim of independent claims 1, 3, 5, 16, 29, and 30, claim 1 recites a method comprising "receiving, at a plurality of terminals from the satellite,

a first pilot signal generated at a ground station; …transmitting, at an assigned time and to the ground station through the satellite, a second pilot signal from each of the plurality of terminals in accordance with the derived at least one transmit timing characteristic; receiving, from the satellite, a control signal generated at the ground station and providing instructions to adjust the at least one transmit timing characteristic; …" (emphasis added). Applicants respectfully submit that the references do not teach or suggest these features. As observed by the Examiner, Asanuma fails to disclose transferring signals through a satellite disposed in forward and reverse links. Although Gerakoulis discloses a satellite, the teachings are directed to "synchronization of a plurality of codes of terrestrial transmitted orthogonal CDMA signals with despreading and respreading in a remote satellite, for transmission to a second terrestrial site, is achieved with a satellite based synchronization system…". (Col. 1, lines 51-55). In contrast, as discussed above, applicants claim that the signals are generated at the ground station or the plurality of terminals rather than at the satellite.

NO MOTIVATION TO COMBINE ASANUMA AND GERAKOULIS

Furthermore, Applicants submit that there is no motivation to combine the teachings of Asanuma with the teachings of Gerakoulis as alleged by the Examiner. The Examiner states that "One skilled in the art would have been motivated to make the combination to synchronize each participating element to a common global reference point (Gerakoulis Col. 1, lines 44-49)". Applicants submit that the complete recitation of the aforementioned section of Gerakoulis provides "… that synchronizes each participating element to a common global reference point without requiring an extensive ground based synchronization." (Col. 1, lines 48-50) (Emphasis added). It is apparent that the system in Gerakoulis is directed to a satellite system wherein the satellite implements and controls the communication between the ground stations and the terminals in contrast to the system disclosed in Asanuma wherein the communication between the ground stations and the terminals does not require a satellite. Applicants submit that the satellite requirements of Gerakoulis negates any attempted combination of the two references in that the combination teaches away, for example, from generating control signals at the ground station when a satellite is used. Therefore, applicants respectfully submit that there is no motivation to combine the cited reference

NO REASONABLE EXPECTATION OF SUCCESS IN COMBINING ASANUMA AND GERAKOULIS

Applicants further submit that there is no reasonable expectation of success in combining the cited references. These two references are directed to solving different problems in different types of systems. As another example of the differences between the systems of the references, Gerakoulis teaches that the ground stations and terminals are preferably fixed spatially/geographically, when transmitting and receiving as opposed to being mobile stations. (Col. 3, lines 55-57). In contrast, Asanuma is clearly directed to a system having mobile stations. In light of the design and operational differences between the systems of each of the references, the attempted combination of the references would be rendered unworkable. Consequently, there is no expectation of success in combining these two references.

Claims 2, 4-15, 18-28, 31-35 and 37-40

Regarding claims 2, 4-15, 18-28, 31-35 and 37-40, these claims depend from independent claims 1, 3, 16, 29, 30 and 36 which applicants respectfully submit are allowable. Accordingly, claims 2, 4-15, 18-28, 31-35 and 37-40 are allowable for at least the reason that they depend from an allowable base claim.

CONCLUSION

In light of the amendments and remarks contained herein, Applicants submit that the claims are in condition for allowance, for which early action is requested.

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Respectfully submitted,

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